

REMARKS

Claims 1-13 are pending in the application. Claims 1-13 stand finally rejected under § 102 as being anticipated by Lo U.S. Patent 5,911,044. The rejection is respectfully traversed. The previous remarks are incorporated but not repeated. The Examiner's specific response is addressed as follows.

In response to the previous arguments, the Examiner points to the "virtual TRAIN driver 106" of Lo and likens use of this virtual TRAIN driver to the features of claims 1, 8, and 13 that concern configuring a scan driver from driver modules. An adaptive driver of the invention is able to automatically determine scan peripheral capabilities and configure a scan driver from driver modules to permit a scan job to be conducted even when a scan driver for the peripheral has not been provided. A driver controls the physical operation of the scan device.

To liken this portion of Lo to the claims, the examiner is required to interpret scan parameters as "pre-stored driving modules". This is improper and incorrect in view of the instant application, the Lo reference, and the meaning applied in the art. The Lo reference itself notes the difference between scanner drivers and scanner parameters. The scanner parameters are options such as the "resolution, brightness, and contrast". C15, L45-46. In contrast, a scan driver is "software which controls the image device" and is "analogous to a print driver". C5, L37-40. Scan options or parameters are not the same as a scan driver, as clearly indicated by Lo.

Scan parameters and driver modules are also given different meaning (as would any artisan) in the present application. On page 6, the paragraph beginning at line 9 discusses scan parameters. Claim 8 also uses scan parameters and gives it different meaning than scan driver modules. The step of "accepting parameters for a scan job" is used. The claim also includes the steps of "linking driver modules". From this, it is improper to interpret scan parameters (options for a scan job) as the same as scan drivers (which are necessary to control the operations of a scan device).

None of the portions of Lo cited by the examiner support the idea that the Virtual TWAIN is a scan driver. The Examiner points to the portion of Lo beginning at column 15, line 41. This portion of Lo merely describes the real function of the Virtual TWAIN, which is to allow the user of a client computer to "edit the scanner parameters at the client computer 102." Lo only presents a communication protocol that allows "commands and information" to be "communicated over the computer network between the client computer and the scanner server". C2, L33-38. "The scanner server includes an application program which interfaces between the server protocol encoder/decoder and a TWAIN driver. The TWAIN driver communicates with a scanner, such as a SCSI scanner, through a SCSI interface within the scanner server and an SCSI bus" C2, L42-47. The virtual TWAIN is not a scan driver. Nor are scan job parameters scan drivers. In Lo, the scan driver is the "source device driver" that is "usually written by the manufacturer of the scanner". C5, L32-41. Lo, like any other ordinary artisan, recognizes the difference between scan parameters and scan drivers. "The source device driver 42 includes a source user

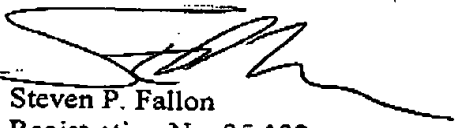
interface 44 which allows control of the scanner 50 including the control of the parameters of the scanner 50." C5, L34-36. The virtual TWAIN as described in column 15 allows these parameters to be set from a client computer.

Regarding claim 12, whether or not the peripheral is the server as suggested by the examiner, Lo still lacks a capability descriptor. A "capability descriptor provides information about the scan capabilities offered by the peripheral and is preferably realized as a data string." P4, L21-25.

For all of the above reasons, applicants request reconsideration and allowance of the application. The separate patentability of claims not specifically discussed is maintained. If an interview would help expedite prosecution or if the examiner has any questions concerning this case, the examiner is invited to contact the undersigned attorney at the below listed number.

Respectfully submitted,

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